

REMARKS/ARGUMENTS

Claims 1-10, 12, 13, 15, 16, 18 and 24-27 are pending. No new matter has been added.

Claims 1, 4, and 6 are rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent Application Publication Number 2005/011448 issued to Justin Russell Bendich et al. (hereinafter "Bendich").

Claims 2-3 and 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bendich in further view of U.S. Patent No. 6,687,651 issued to Mark A.W. Stewart (hereinafter "Stewart").

Claims 5, 9, 11, 13, 14, 19-21, 24, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bendich in further view of U.S. Patent Application Publication Number 2004/0098606 issued to Yih-Shin Tan et al. (hereinafter "Tan").

Claims 10, 12, 16, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bendich in further view of Tan and Stewart.

Claims 15, 22, 23, 26, and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bendich in further view of Tan, and U.S. Patent Application Publication Number 2005/00186619 issued to David Banks et al. (hereinafter "Banks").

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bendich in further view of Tan, Stewart, and Banks.

The independent claims 1, 6, 9, 13, and 24 have been amended to more clearly distinguish the cited art. No new matter has been added. See for example, paragraphs [24-27], [53], [62], and [67].

Claim 1 recites in part "receiving a request including a service policy, the service policy comprising a server sub-policy, a network sub-policy, and a storage sub-policy which is associated with one or more data storage performance criteria." See also independent claims 6, 9, 13, and 24.

The policies described by Bendich are policies related to the storage component of his system. For example, Bendich discloses “provisioning storage resources according to a modeling policy [and a] modeling apparatus for provisioning storage resources according to a modeling policy is provided with a logic unit containing a plurality of modules configured to functionally execute the necessary steps of provisioning storage resources according to a modeling policy.” *Paragraphs [0009 - 0010]*. The modeling policy may specify a storage location, such as a storage pool 222, in which to create the new LUN 214. The modeling policy may specify a model group containing one or more existing LUNs 214. *Paragraph [0047]*. Bendich therefore does not teach or even suggest the recited “request including a service policy, the service policy comprising a server sub-policy, a network sub-policy, and a storage sub-policy which is associated with one or more data storage performance criteria.”

Claim 1 further recites in part a request for data storage where the request includes a service policy, and “identifying a server service component based on a server sub-policy.” See also independent claims 6, 9, 13, and 24. Bendich, in Fig. 1 and paragraph [0032], discloses a client 104 connected to storage server 108; there is no server to speak of and thus no identifying of a server. Fig. 1 also shows client 106 accessing storage server 108 via a web server 102. As best understood, server 102 is selected by the client and not identified based on a server policy contained in a request for data storage. Bendich therefore does not teach or even suggest a request for data storage where the request includes a service policy and “identifying a server service component based on the server sub-policy.”

Claim 1 further recites in part “identifying a network path ... based on the network sub-policy.” See also independent claim 6. Independent claim 9 recites in part “identifying a network path ... based on an evaluation of the one the one or more security criteria in the network sub-policy.” See also independent claims 13 and 24. In paragraph [0034], Bendich describe storage agents 112, 114; similarly in paragraph [0044]. Bendich does not talk about selecting a network path or about a network sub-policy. Bendich therefore does not teach or even suggest “identifying a network path ... based on the network sub-policy” as recited in

claims 1 and 6, or "identifying a network path ... based on an evaluation of the one the one or more security criteria in the network sub-policy" as recited in claims 9, 13, and 24.

Reconsideration of the pending claims in view of the distinctions discussed above is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
GBFY:jis
60779600 v1